

Message Text

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PAGE 01 STATE 262365

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PASS CHIEF OF USDEL JAMES H. QUACKENBUSH

E.O. 11652: DECLASSIFY ON RECEIPT

TAGS: ILO, AORG

SUBJECT: ILO - POSITIONS FOR RESOLUTIONS SUBMITTED TO
TENTH CONFERENCE OF AMERICAN STATES MEMBERS

1. FOLLOWING ARE APPROVED POSITIONS FOR GUIDANCE OF USDEL.
2. RESOLUTION CONCERNING HUMAN RIGHTS, FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING RIGHTS, ETC., SUBMITTED BY CUBAN WORKER DELEGATE.

A. PROBLEM: TO SECURE MODIFICATIONS THAT WILL ENABLE THE US TO SUPPORT THE RESOLUTION. WITHOUT APPROPRIATE MODIFICATIONS, THE PROBLEM WILL BE TO PREVENT PASSAGE OF THE RESOLUTION.

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PAGE 02 STATE 262365

B. POSITION.

(1) USDEL MAY SEEK TO HAVE PREAMBULATORY PARAGRAPHS EIGHT (CONSIDERING, MOREOVER THAT THE GROWING ACTIVITY OF MULTINATIONAL CORPORATIONS...) THROUGH THIRTEEN (CONCERNED THAT THE VERY GRAVE SITUATION...) DELETED ON THE GROUNDS THAT THEY REPRESENT ALLEGATIONS THAT HAVE NOT BEEN EXAMINED BY THE ILO'S INVESTIGATIVE MACHINERY.

(2) USDEL MAY SUPPORT THE OTHER PREAMBULATORY PARAGRAPHS, AND MAY SUPPORT OPERATIVE PARAGRAPHS ONE, THREE, FOUR AND SIX (1) AND SIX (3).

(3) USDEL MAY SEEK TO HAVE OPERATIVE PARAGRAPH TWO DELETED AND SHOULD POINT OUT THAT THE UNITED STATES GOVERNMENT DELEGATES ABSTAINED ON THE RESOLUTION CONDEMN-ING CHILE THAT WAS ADOPTED BY THE 59TH INTERNATIONAL LABOR CONFERENCE, AND STATE THAT IT HAS NOT CHANGED ITS POSITION THAT THE ILO'S INVESTIGATIVE MACHINERY SHOULD BE USED BEFORE ANY PART OF THE ILO PASSES JUDGMENT ON CHILE.

(4) USDEL MAY SEEK TO HAVE OPERATIVE PARAGRAPH FIVE DELETED ON THE GROUNDS THAT WORKER PARTICIPATION IN MANAGEMENT DECISION MAKING IS A MATTER BETTER PROVIDED FOR IN NON-CONSTITUTIONAL LEGISLATION OR IN COLLECTIVE BARGAINING AGREEMENTS THAN IN THE CONSTITUTION.

(5) USDEL MAY AGREE TO DEVELOPING PROPOSALS FOR A PROGRAM AS OUTLINED IN OPERATIVE PARAGRAPH SIX (2) BUT STATE THAT FURTHER CONSIDERATION OF THE RELATIONSHIP BETWEEN ITS SUBPARAGRAPHS (A) THROUGH (I) AND THE PROVISIONS OF CONVENTION NO. 87 WOULD APPEAR NECESSARY BEFORE DECIDING TO "COMMENCE SUCH A PROGRAM."

(6) IF PREAMBULATORY PARAGRAPHS EIGHT THROUGH THIRTEEN, AND OPERATIVE PARAGRAPHS TWO AND FIVE ARE DELETED, AND PARAGRAPH SIX (2) IS MODIFIED BY DELETING "AND COMMENCE," USDEL MAY SUPPORT THIS RESOLUTION. IF THESE DELETIONS ARE NOT MADE, USDEL SHOULD ABSTAIN, WITH AN EXPLANATION OF VOTE SAYING THAT THE US SUPPORTS, IN PRINCIPLE, OPERATIVE LIMITED OFFICIAL USE

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PAGE 03 STATE 262365

PARAGRAPHS ONE, THREE, FOUR, AND SIX (1) AND SIX (3).

3. RESOLUTION CONCERNING THE DENIAL OF FREEDOM OF ASSOCIATION IN CHILE.

A. PROBLEM. TO PREVENT THE ADOPTION OF THIS RESOLUTION, WHICH IGNORES THE EXISTENCE OF THE ILO'S INVESTIGATIVE MACHINERY, THEREBY REDUCING ITS OVERALL EFFECTIVENESS.

B. POSITION

(1) USDEL SHOULD OPPOSE ON THE GROUNDS THAT THE ILO'S INVESTIGATIVE MACHINERY IS PRESENTLY OPERATING IN CHILE FOR THE EXPRESS PURPOSE OF MAKING A CAREFUL, FIRST-HAND INSPECTION OF CONDITIONS THERE. NO ACTION SHOULD BE TAKEN UNTIL THE RESULTS OF THIS INVESTIGATION HAVE BEEN PUT BEFORE THE MEMBERS OF THE ILO.

(2) IF THE RESOLUTION COMES TO A VOTE IN ESSENTIALLY ITS PRESENT FORM, USDEL SHOULD OPPOSE OR ABSTAIN, WHICHEVER TACTIC APPEARS MOST LIKELY TO PREVENT ADOPTION OF THE RESOLUTION.

C. BACKGROUND.

THE ESSENTIAL PROBLEM HERE IS TO FOCUS ATTENTION ON THE ILO'S STANDING MACHINERY FOR THE INVESTIGATION OF COMPLAINTS. THIS MACHINERY, TOGETHER WITH THE ILO'S MECHANISMS FOR PUBLICIZING CERTIFIED VIOLATIONS OF ILO LABOR STANDARDS, CONSTITUTE THE HEART OF THE ILO'S ENFORCEMENT PROCEDURES. IF THESE PROCEDURES ARE IGNORED, AS WOULD BE THE EFFECT OF THIS RESOLUTION, THEIR OVERALL UTILITY WILL BE DILUTED. IN THE ILO CONTEXT, THEREFORE, IT IS IMPORTANT NOT TO TAKE ANY POSITION ON WHETHER CHILE IS GUILTY OF VIOLATIONS OF ILO CONVENTIONS BEFORE THE MATTER HAS BEEN EXAMINED BY MEANS OF THE ILO'S REGULAR INVESTIGATIVE MACHINERY."

4. RESOLUTION CONCERNING THE DECLINING OBSERVANCE OF HUMAN RIGHTS IN SEVERAL LATIN AMERICAN COUNTRIES, ETC., SUBMITTED BY WORKER DELEGATES OF PANAMA AND COSTA RICA. LIMITED OFFICIAL USE

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PAGE 04 STATE 262365

A. PROBLEM: TO PREVENT ADOPTION OF THIS RESOLUTION.

B. POSITION

(1) USDEL SHOULD STATE THAT THIS RESOLUTION PREJUDGES THE SITUATIONS WITHIN THESE COUNTRIES WITHOUT UTILIZING THE ILO'S INVESTIGATIVE MACHINERY; IF THERE ARE COMPLAINTS AGAINST ANY ILO MEMBER STATE, THEN THOSE COMPLAINTS SHOULD BE EXAMINED BY THE CONSTITUTIONALLY AUTHORIZED INVESTIGATIVE BODIES. IF THESE BODIES DETERMINE THAT THE COMPLAINTS ARE VALID, THEN THE ILO'S ENFORCEMENT MACHINERY SHOULD BE USED.

(2) USDEL MAY STATE THAT THE UNITED STATES SUPPORTS ALL

OF THE BASIC HUMAN AND TRADE UNION RIGHTS REFERRED TO IN THE RESOLUTION, BUT BELIEVES THAT THE MOST EFFECTIVE MEANS THAT THE ILO HAS OF FURTHERING THE APPLICATION OF THESE RIGHTS IS TO USE ITS INVESTIGATIVE AND ENFORCEMENT MACHINERY. A CONDEMNATORY RESOLUTION NOT BASED ON VERIFIED FACTS WILL NOT ENHANCE THE APPLICATION OF THESE RIGHTS.

(3) USDEL SHOULD OPPOSE OR ABSTAIN ON THE VOTE IN PLENARY, WHICHEVER TACTIC APPEARS MOST LIKELY TO PREVENT PASSAGE OF THE RESOLUTION. INGERSOLL

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